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**From:** Truman, Bill [Truman.Bill@epa.gov]  
**Sent:** 7/20/2018 2:26:46 PM  
**To:** Stallworth, Clethes [CS@adem.alabama.gov]  
**CC:** Massey, Sonja [SSM@adem.alabama.gov]; Self, Terry [Self.Terry@epa.gov]  
**Subject:** FW: Proposed ADEM MOA (1st revision)  
**Attachments:** 2018.07.19 - DRAFT AL SPA MOA (ORC Markup).DOCX

Clete,

Our attorneys have completed their review of the MOA and have made some edits. I don't believe they should constitute a problem for ADEM. Please review it, but do not circulate for signature at this time. If you have any questions or concerns please contact Terry or me.

Thanks,

Bill

Bill Truman, Chief  
UST/PCB & OPA Enforcement & Compliance Section  
AFC  
61 Forsyth St.  
Atlanta, GA 30303  
(404)562-9457

**From:** Buso, Roberto X  
**Sent:** Friday, July 20, 2018 10:11 AM  
**To:** Self, Terry <Self.Terry@epa.gov>  
**Subject:** RE: Proposed ADEM MOA (1st revision)

Hi –

These are ORC's revisions to the AL MOA – through Colleen.

These same revisions (or very similar revisions) were done to each of the routing MOAs (GA, TN, AL and KY).

Colleen is checking with the ORC front office (RC/DRC) to see if they want to sign off now, or later. OGC is still reviewing, but I do not expect them to have comments.

You can communicate the above to Alabama, if you want, but with the caveat that this agreement is still subject to final review by Regional Counsel, so we are not requesting signatures on the document at this time. These revisions are just FIY and for review and comment, but should all be acceptable.

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**From:** Self, Terry  
**Sent:** Thursday, July 19, 2018 6:55 AM  
**To:** Buso, Roberto X <Buso.Roberto@epa.gov>  
**Subject:** FW: Proposed MOA (1st revision)

Morning Rob,

ADEM is asking about the status of the MOA, so how is it going?

Terry

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**From:** Stallworth, Clethes [<mailto:CS@adem.alabama.gov>]  
**Sent:** Wednesday, July 18, 2018 5:24 PM  
**To:** Self, Terry <[Self.Terry@epa.gov](mailto:Self.Terry@epa.gov)>  
**Cc:** Cruise, Michael <[mcruise@adem.alabama.gov](mailto:mcruise@adem.alabama.gov)>; Massey, Sonja <[SSM@adem.alabama.gov](mailto:SSM@adem.alabama.gov)>; Roper, Lynn T <[LTR@adem.alabama.gov](mailto:LTR@adem.alabama.gov)>; Singh, Ben <[Singh.Ben@epa.gov](mailto:Singh.Ben@epa.gov)>  
**Subject:** RE: Proposed MOA (1st revision)

Good afternoon, Terry. I hope this email finds you doing well. I am writing you to inquire about the status of the review of the Proposed MOA by your legal staff. As you are aware, ADEM must reapply within the next 87 days in order to retain its SPA status. Obviously, we will need a week or so to review any changes and then coordinate the approval/execution of the MOA by this department's Director before returning the Department-approved MOA to your office in order to obtain the signature of the Regional Administrator.

Therefore, at your earliest convenience, please provide me with an update. Thanks.

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**From:** Stallworth, Clethes  
**Sent:** Tuesday, June 26, 2018 9:58 AM  
**To:** 'Self, Terry' <[Self.Terry@epa.gov](mailto:Self.Terry@epa.gov)>  
**Cc:** Massey, Sonja <[SSM@adem.alabama.gov](mailto:SSM@adem.alabama.gov)>; Malaier, Dorothy <[DSM@adem.alabama.gov](mailto:DSM@adem.alabama.gov)>; Hall, Latoya A <[LAHall@adem.alabama.gov](mailto:LAHall@adem.alabama.gov)>; Batchelor, David <[david.batchelor@adem.alabama.gov](mailto:david.batchelor@adem.alabama.gov)>; Thrash, Jim <[JThrash@adem.alabama.gov](mailto:JThrash@adem.alabama.gov)>; Roper, Lynn T <[LTR@adem.alabama.gov](mailto:LTR@adem.alabama.gov)>; Alexander, Tiffani L <[tiffani.alexander@adem.alabama.gov](mailto:tiffani.alexander@adem.alabama.gov)>; Cruise, Michael <[mcruise@adem.alabama.gov](mailto:mcruise@adem.alabama.gov)>; Singh, Ben <[Singh.Ben@epa.gov](mailto:Singh.Ben@epa.gov)>; Truman, Bill <[Truman.Bill@epa.gov](mailto:Truman.Bill@epa.gov)>; Buso, Roberto X <[Buso.Roberto@epa.gov](mailto:Buso.Roberto@epa.gov)>  
**Subject:** RE: Proposed MOA (1st revision)

Good morning, Terry. Attached for your consideration and coordination is the interim final draft of the Proposed MOA.

Please feel free to contact me if you have any questions regarding this matter.

Kind regards,

*Clethe*

Clethes Stallworth, Chief  
Environmental Services Branch  
Phone: (334) 271-7743  
Email: [cs@adem.alabama.gov](mailto:cs@adem.alabama.gov)

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**From:** Self, Terry [<mailto:Self.Terry@epa.gov>]  
**Sent:** Tuesday, June 26, 2018 9:31 AM

**To:** Stallworth, Clethes <CS@adem.alabama.gov>

**Cc:** Massey, Sonja <SSM@adem.alabama.gov>; Malaier, Dorothy <DSM@adem.alabama.gov>; Hall, Latoya A <LAHall@adem.alabama.gov>; Batchelor, David <david.batchelor@adem.alabama.gov>; Thrash, Jim <JThrash@adem.alabama.gov>; Roper, Lynn T <LTR@adem.alabama.gov>; Alexander, Tiffani L <tiffani.alexander@adem.alabama.gov>; Cruise, Michael <mcruiuse@adem.alabama.gov>; Singh, Ben <Singh.Ben@epa.gov>; Truman, Bill <Truman.Bill@epa.gov>; Buso, Roberto X <Buso.Roberto@epa.gov>

**Subject:** RE: Proposed MOA (1st revision)

Morning Clethes,

Can you send me the final MOA, so I can run it through our legal folks for approval? It does have to be signed by both parties before it is submitted in the SPA Package.

Terry

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**From:** Stallworth, Clethes [mailto:CS@adem.alabama.gov]

**Sent:** Monday, June 25, 2018 2:46 PM

**To:** Self, Terry <Self.Terry@epa.gov>

**Cc:** Massey, Sonja <SSM@adem.alabama.gov>; Malaier, Dorothy <DSM@adem.alabama.gov>; Hall, Latoya A <LAHall@adem.alabama.gov>; Batchelor, David <david.batchelor@adem.alabama.gov>; Thrash, Jim <JThrash@adem.alabama.gov>; Roper, Lynn T <LTR@adem.alabama.gov>; Alexander, Tiffani L <tiffani.alexander@adem.alabama.gov>; Cruise, Michael <mcruiuse@adem.alabama.gov>; Singh, Ben <Singh.Ben@epa.gov>; Truman, Bill <Truman.Bill@epa.gov>; Buso, Roberto X <Buso.Roberto@epa.gov>

**Subject:** Proposed MOA (1st revision)

Good afternoon, Terry.

The following changes/corrections have been made to the proposed UST Program MOA between EPA and ADEM:

EPA's Comment	ADEM's Response
On page 1, 1st paragraph & line 14, there is a typo where '(1991 MOA)' is written, and it should be (1996 MOA).	This typo has been corrected.
Please specify why the public participation sentence in the MOA was highlighted. States must provide for public participation using one of the three options in 40 C.F.R. 281.42(a)-(c)	The public participation sentence has been changed to reflect the intent of 40 C.F.R. §281.42(c). The "new" wording of the sentence (on page 5) is as follows: "ADEM will maintain procedures for receiving and ensuring proper consideration of information about violations submitted by the public and will not oppose citizen intervention when permissive intervention is allowed by statute, rule, or regulation." Please be advised that public participation/intervention in the enforcement process under Rule 24 of the Alabama Rules of Civil Procedure is also addressed in the AG's Certification Package.

If this offering is acceptable to EPA, please advise me as to the next step in the coordination/approval process for the MOA. Specifically, does the MOA have been executed by all parties prior to inclusion in the SPA package?

Thanks.

Clethes Stallworth, Chief  
Environmental Services Branch

Land Division  
Alabama Department of Environmental Management  
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Montgomery, Alabama 36130-1463  
Phone: (334) 271-7743  
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*Mission: Assure for all citizens of the state a safe, healthful and productive environment*

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**From:** Self, Terry [<mailto:Self.Terry@epa.gov>]  
**Sent:** Friday, June 08, 2018 12:02 PM  
**To:** Cruise, Michael <[mcruiuse@adem.alabama.gov](mailto:mcruiuse@adem.alabama.gov)>; Singh, Ben <[Singh.Ben@epa.gov](mailto:Singh.Ben@epa.gov)>; Truman, Bill <[Truman.Bill@epa.gov](mailto:Truman.Bill@epa.gov)>; Buso, Roberto X <[Buso.Roberto@epa.gov](mailto:Buso.Roberto@epa.gov)>  
**Cc:** Massey, Sonja <[SSM@adem.alabama.gov](mailto:SSM@adem.alabama.gov)>; Stallworth, Clethes <[CS@adem.alabama.gov](mailto:CS@adem.alabama.gov)>; Malaier, Dorothy <[DSM@adem.alabama.gov](mailto:DSM@adem.alabama.gov)>; Hall, Latoya A <[LAHall@adem.alabama.gov](mailto:LAHall@adem.alabama.gov)>; Batchelor, David <[david.batchelor@adem.alabama.gov](mailto:david.batchelor@adem.alabama.gov)>; Thrash, Jim <[JThrash@adem.alabama.gov](mailto:JThrash@adem.alabama.gov)>; Roper, Lynn T <[LTR@adem.alabama.gov](mailto:LTR@adem.alabama.gov)>; Alexander, Tiffani L <[tiffani.alexander@adem.alabama.gov](mailto:tiffani.alexander@adem.alabama.gov)>  
**Subject:** RE: ADEM Division 6 (UST) Authorization SPA Package - Interim Draft

Afternoon Mike,

Our preliminary review found no major issues precluding you from moving forward in your SPA process.

Only a few minor issues were found, which are:

1. AG Certification
  - a. AG Statement ("no less stringent criteria" evaluation) not submitted, and not reviewed.
2. MOA
  - a. On page 1, 1<sup>st</sup> paragraph & line 14, there is a typo where '(1991 MOA)' is written, and it should be (1996 MOA).
  - b. Please specify why the public participation sentence in the MOA was highlighted. States must provide for public participation using one of the three options in 40 C.F.R. 281.42(a)-(c).
3. Program Description
  - a. From the submittal, it is unclear in what ways the state program is more stringent or broader in scope than the federal program. A copy of Oklahoma's Program Description is included as an example. To the extent any areas of the program are more stringent or broader in scope, please identify those areas in the Program Description.
4. Adequate Enforcement
  - a. No page numbers were included.
  - b. On page 5, 2<sup>nd</sup> paragraph & line 5, there is a typo where 'files' is misspelled as 'flies'.
  - c. Where it states that the Department or ADEM has the authority to perform a function throughout the document, the appropriate State statute/rule should be cited. A copy of Oklahoma's Application for

Approval is included as an example. For example on page 3, it states the Compliance Monitoring procedure is divided into four areas, so ADEM's regulatory authority should be cited for each of the areas.

5. Crosswalk
  - a. Previously reviewed & comments provided

Terry

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**From:** Cruise, Michael [<mailto:mcruise@adem.alabama.gov>]  
**Sent:** Friday, May 18, 2018 9:23 AM  
**To:** Self, Terry <[Self.Terry@epa.gov](mailto:Self.Terry@epa.gov)>; Singh, Ben <[Singh.Ben@epa.gov](mailto:Singh.Ben@epa.gov)>  
**Cc:** Massey, Sonja <[SSM@adem.alabama.gov](mailto:SSM@adem.alabama.gov)>; Stallworth, Clethes <[CS@adem.alabama.gov](mailto:CS@adem.alabama.gov)>; Malaier, Dorothy <[DSM@adem.alabama.gov](mailto:DSM@adem.alabama.gov)>; Hall, Latoya A <[LAHall@adem.alabama.gov](mailto:LAHall@adem.alabama.gov)>; Batchelor, David <[david.batchelor@adem.alabama.gov](mailto:david.batchelor@adem.alabama.gov)>; Thrash, Jim <[JThrash@adem.alabama.gov](mailto:JThrash@adem.alabama.gov)>; Roper, Lynn T <[LTR@adem.alabama.gov](mailto:LTR@adem.alabama.gov)>; Alexander, Tiffani L <[tiffani.alexander@adem.alabama.gov](mailto:tiffani.alexander@adem.alabama.gov)>  
**Subject:** ADEM Division 6 (UST) Authorization SPA Package - Interim Draft  
**Importance:** High

Mr. Self, as per our phone conversation last week, we are sending you an interim draft of five of the six required components of the UST SPA package for your preliminary review and comment (see attached). The components included are:

1. AG Letter,
2. Memorandum of Agreement,
3. Program Description,
4. Demonstration of Procedures for Adequate Enforcement, and
5. SPA Regulations Crosswalk.

If possible, we would like to have your comments by June 8, 2018 as we plan to send the package to the Governor's office shortly thereafter. If you have any questions or comments please do not hesitate to contact either me or Ms. Tiffani Alexander.

Thank you and have a great weekend.

*Mike Cruise, Chief  
Removals & Response Unit  
Environmental Services Branch  
Alabama Department of Environmental Management  
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